

Assembly Bill No. 1068

CHAPTER 948

An act to amend Sections 44830 and 44830.3 of, and to add and repeal Section 24216.5 of, the Education Code, and to amend Item 6360-101-0001 of Section 2.00 of the Budget Act of 1996, relating to schools, making an appropriation therefor, and declaring the urgency thereof to take effect immediately.

[Approved by Governor September 25, 1996. Filed
with Secretary of State September 26, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1068, Mazzoni. Education: teachers.

(1) Under existing law, a member retired for service may earn compensation for creditable service in any one school year up to \$15,000, as adjusted, without a reduction in his or her retirement allowance. If a member retired for service earns compensation for creditable service in excess of that amount, his or her retirement allowance is reduced by the amount of the excess compensation.

This bill would provide that until July 1, 1999, the earnings paid to a member who retired for service with an effective date on or before July 1, 1996, and who is employed by a school district to provide direct instruction to pupils in grades kindergarten through 12 is exempt from the above provisions if specified conditions are met, including, among others, the condition that the employment is necessary to meet the objectives of the Class Size Reduction Program.

(2) Existing law requires that a person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

This bill would provide a similar requirement with respect to a person holding a valid California credential who is employed for purposes of the Class Size Reduction Program, but would not require that the person has passed a basic skills proficiency examination developed and administered by the school district offering that person employment.

(3) Existing law authorizes the governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or

that maintains classes in bilingual education, or, in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, to employ district interns to provide instruction to pupils in those grades or classes as a classroom teacher. Prior to employing those district interns, existing law requires the governing board to certify to the Commission on Teacher Credentialing that an insufficient number of fully credentialed teachers are available.

This bill would delete the requirement that the governing board certify to the Commission on Teacher Credentialing that an insufficient number of fully credentialed teachers are available. The bill would require that any district interns be hired in consultation with an accredited institution of higher education offering an approved program of pedagogical teacher preparation.

(4) This bill would reappropriate \$4,500,000 from the Proposition 98 Reversion Account of the General Fund to the Commission on Teacher Credentialing in augmentation of Item 6360-101-0001 of the Budget Act of 1996 for the incentive grant funding to school districts and county offices of education participating in the alternative teacher certification program.

(5) This bill would appropriate \$100,000 from the General Fund to the Commission on Teacher Credentialing for the administration of the incentive grant program for alternative teacher certification in augmentation of Item 6360-001-0001 of the Budget Act of 1996.

(6) To the extent the funds appropriated by this bill are allocated to a school district, as defined by existing law for purposes of Section 8 of Article XVI of the California Constitution, those funds may be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(7) This bill would not become operative unless and until AB 2460 is chaptered.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 24216.5 is added to the Education Code, to read:

24216.5. (a) The earnings paid to a member who retired for service with an effective date on or before July 1, 1996, and who is employed by a school district to provide direct instruction to pupils in grades kindergarten through 12 are exempt from subdivisions (d), (e), and (f) of Section 24214, if all of the following conditions are met:

(1) The employment is necessary to meet the objectives of the Class Size Reduction Program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28.

(2) All members retired for service whose employment with a school district meets the conditions specified in this section are treated as a distinct class of temporary employees within the existing bargaining unit. The rate of pay for service performed by this class of employees shall be the rate established in accordance with subdivision (b) of Section 24214 and agreed to in the collective bargaining agreement between the employer and the exclusive representative for employees of the school district.

(3) The school district submits documentation required by the system to substantiate the eligibility of the employment of a member retired for service for the exemption under this subdivision.

(b) A school district that employs a member retired for service pursuant to this section shall maintain accurate records of the retired member's earnings and shall report those earnings monthly to the system regardless of the method of payment or the source of funds from which the earnings are paid.

(c) A member who retired for service with an effective date on or before July 1, 1996, and who, between July 1, 1996, and 60 days following the effective date of this section, terminated his or her service retirement allowance and returned to employment that qualifies for the exemption specified in subdivision (a) shall have the right to cancel his or her reinstatement and return to status as a member retired for service as if the service retirement allowance had not been terminated.

(d) This section shall not apply to the earnings paid to a member retired for service for service performed for a county office of education or a community college district.

(e) This section shall become operative on July 1, 1996, and shall remain in effect only until July 1, 1999, and as of that date is repealed unless a later enacted statute which is enacted before July 1, 1999, deletes or extends that date.

SEC. 2. Section 44830 of the Education Code is amended to read:

44830. (a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) Commencing on February 1, 1983, no school district governing board shall initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has

demonstrated basic skills proficiency as provided in Section 44252.5 or unless the person is exempted from the requirement by subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), and (n).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the basic skills proficiency test required under Sections 44252 and 44252.5.

(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing the provisions of this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. District governing boards shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by any person pursuant to Section 44252 shall satisfy the requirements of this subdivision.

(c) (1) A certificated person shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment and who has not taken the state basic skills proficiency test, but who has passed a basic skills proficiency examination which has been developed and administered by the school district offering that person employment, may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one year of the date of his or her employment.

(2) A certificated person who is employed for purposes of the class size reduction program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 shall not be required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment for purposes of the class size reduction program and who has not taken the state basic skills proficiency test may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state

basic skills proficiency test within one calendar year of the date of his or her employment.

(d) Nothing in this section shall require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) Nothing in this section shall require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) Nothing in this section shall require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) Nothing in this section shall require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, so long as that person does not teach in the public schools.

(h) If the basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.

(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake and pass the proficiency assessment in basic skills. If at the expiration of the one-year period he or she has not passed the proficiency assessment in basic skills, he or she shall be subject to dismissal under procedures established in Article 3 (commencing with Section 44930) of Chapter 4.

(j) Nothing in this section shall be construed as requiring the holder of a vocational designated subject credential to pass the state basic skills proficiency test as a condition of employment. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a vocational designated subject credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test,

including the costs of developing, administering, and grading the test.

(k) Nothing in this section shall be construed as requiring the holder of an adult education designated subject credential for other than academic subjects, who is employed in an instructional setting for 20 hours or less per week, to pass the state proficiency assessment as a condition of employment.

(l) Nothing in this section shall be construed to require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(m) A school district may hire a teacher credentialed in another state who has not taken the state basic skills test if, at a public meeting, the school district governing board certifies that no person who meets the credentialing requirements and who has satisfied the basic skills requirement specified in Section 44261.5 is available to fill a position deemed necessary to the normal operation of the school curriculum. The board shall include in the certification a statement of the need to fill the position and the reasons for the need, proof of its attempts to recruit qualified teachers in California, and a statement attesting to the failure of those attempts. Such certification shall be submitted to the commission with the name of the teacher the board intends to employ pursuant to this section. The commission shall issue an emergency credential pursuant to paragraph 3 of subdivision (b) of Section 44252, upon receipt of this documentation.

(n) Notwithstanding any other provision of law, a school district may hire a certificated teacher who has not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall then take the test at the earliest opportunity and may remain employed by the district pending the receipt of his or her test results.

SEC. 3. Section 44830.3 of the Education Code is amended to read:

44830.3. (a) The governing board of any school district that maintains kindergarten or grades 1 to 12, inclusive, or that maintains classes in bilingual education, or in the case of special education programs for pupils with mild and moderate disabilities, the Los Angeles Unified School District, may, in consultation with an accredited institution of higher education offering an approved program of pedagogical teacher preparation, employ persons authorized by the Commission on Teacher Credentialing to provide service as district interns to provide instruction to pupils in those grades or classes as a classroom teacher. The governing board shall require that each district intern be assisted and guided by a certificated employee of the school district who has been designated by the governing board as a mentor teacher pursuant to Article 4 (commencing with Section 44490) of Chapter 3 or by certificated

employees selected through a competitive process adopted by the governing board after consultation with the exclusive teacher representative unit or by personnel employed by institutions of higher education to supervise student teachers. Mentor teachers or other certificated employees shall possess valid certification at the same level, or of the same type, of credential as the district interns they serve.

(b) The governing board of each school district employing district interns shall develop and implement a professional development plan for district interns in consultation with an accredited institution of higher education offering an approved program of pedagogical preparation. The professional development plan shall include all of the following:

(1) Provisions for an annual evaluation of the district intern.

(2) As the governing board determines necessary, a description of courses to be completed by the district intern, if any, and a plan for the completion of preservice or other clinical training, if any, including student teaching.

(3) Mandatory preservice training for district interns tailored to the grade level or class to be taught, through either of the following options:

(A) One hundred twenty clock hours of preservice training and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned, which training and orientation period shall be under the direct supervision of an experienced permanent teacher. At the conclusion of the preservice training period, the permanent teacher shall provide the district with information regarding the area that should be emphasized in the future training of the district intern.

(B) The successful completion, prior to service by the intern in any classroom, of six semester units of coursework from a regionally accredited college or university, designed in cooperation with the school district to provide instruction and orientation in the aspects of child development and the methods of teaching the subject field or fields in which the district intern will be assigned.

(4) Instruction in child development and the methods of teaching during the first semester of service for district interns teaching in kindergarten or grades 1 to 6, inclusive, including bilingual classes at those levels.

(5) Instruction in the culture and methods of teaching bilingual children during the first year of service for district interns teaching children in bilingual classes.

(6) Any other criteria that may be required by the governing board.

(7) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching in special education programs for pupils with mild and

moderate disabilities also shall include 120 clock hours of mandatory preservice training and orientation, which shall include, but not be limited to, instruction in the development of exceptional children and the methods of teaching exceptional children.

(8) In addition to the requirements set forth in paragraphs (1) to (6), inclusive, the professional development plan for district interns teaching bilingual classes shall also include 120 clock hours of mandatory training and orientation, which shall include, but not be limited to, instruction in subject matter relating to bilingual-crosscultural language and academic development.

(9) The professional development plan for district interns teaching in special education programs for pupils with mild and moderate disabilities shall be based on the standards adopted by the commission as provided in subdivision (a) of Section 44327.

(c) Each district intern and each district teacher assigned to supervise the district intern during the preservice period, shall be compensated for the preservice period pursuant to subparagraph (A) or (B) of paragraph (3). The compensation shall be that which is normally provided by each district for staff development or in-service activity.

(d) Upon completion of two years of service, or three years of service for interns participating in a program that leads to the attainment of a specialist credential to teach pupils with mild and moderate disabilities, or four years if the intern is participating in a program that leads to the attainment of both a multiple subject or single subject teaching credential and a specialist credential to teach pupils with mild and moderate disabilities, the governing board may recommend to the Commission on Teacher Credentialing that the district intern be credentialed in the manner prescribed by Section 44328.

SEC. 4. Item 6360-101-0001 of Section 2.00 of the Budget Act of 1996 is amended to read:

6360-101-0001—For local assistance, Commission on	
Teacher Credentialing (Proposition 98)	3,478,000
Schedule:	
(a) 10-Standards for Preparation	
and Licensing Teachers	3,478,000

Provisions:

1. Of the fund appropriated by this item, \$6,500,000 is for incentive grant funding to school districts and county offices of education participating in the alternative teacher certification program established in Article 11 (commencing with Section 44380) of Chapter 2 of Part 25 of the Education Code.
2. Of the funds appropriated by this item, \$1,478,000 shall be available for grants and subventions to school districts and county offices of education participating in the California School Paraprofessional Teacher Training Program pursuant to Article 6.5 (commencing with Section 69619) of Chapter 2 of Part 42 of the Education Code.

SEC. 5. The sum of four million five hundred thousand dollars (\$4,500,000) is hereby reappropriated from the Proposition 98 Reversion Account of the General Fund to the Commission on Teacher Credentialing, in augmentation of Item 6360-101-0001 of Section 2.00 of the Budget Act of 1996, for incentive grant funding to school districts and county offices of education participating in the alternative teacher certification program established in Article 11 (commencing with Section 44380) of Chapter 2 of Part 25 of the Education Code.

SEC. 6. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the General Fund to the Commission on Teacher Credentialing, for the administration of the incentive grant program for alternative teacher certification, established in Article 11 (commencing with Section 44380) of Chapter 2 of Part 25 of the Education Code. These funds shall be in augmentation of the funds provided in Item 6360-001-0001 of Section 2.00 of the Budget Act of 1996.

SEC. 7. This act shall not become operative unless Assembly Bill 2460 of the 1995–96 Regular Session is chaptered and becomes effective January 1, 1997.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide for a new credentialing process to be in place to support the teachers that will be needed to implement the provisions of the class size reduction program contained in the

Budget Act of 1996 and the supporting provisions of law, it is necessary that this act take effect immediately.

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